



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,467	09/28/2000	Arnold N. Blinn	MS1-624US	8910

22801 7590 03/09/2004

LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/675,467

Applicant(s)

BLINN ET AL.

Examiner

JAGDISH N PATEL

Art Unit

3624

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3624

***Election/Restrictions***

1. A telephone call was made to Sponseller, Allan T. on March 5, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-10 are drawn to one or more computer readable media which comprises instructions comprising receiving request to make a purchase at an on-line merchant using a payment account identified in an electronic wallet and comparing restrictions associated with the payment account with the identity of the on-line merchant.

Group II. Claims 11-16 are drawn to a system including an electronic purse including a plurality of accounts wherein the funds transfer from accounts are restricted by an account monitor coupled to an electronic purse.

Group III. Claims 17-20 are drawn to a system including a wallet server having a plurality of payment accounts wherein the funds transfer from accounts are restricted a computing device.

Group IV. Claims 21-25 are drawn to a system comprises an account monitor that restricts ability to transfer funds of a payment account corresponding to a particular user.

Group V. Claims 26-34 are drawn to a method (or a computer readable medium to perform the method) comprising a step of restricting where the funds in account maintained in an electronic wallet particular user can be spent.

Group VI. Claims 35-42 are drawn to a method (or a computer readable medium to perform the method) comprising a step of restricting where the funds to be added to a payment account in an electronic wallet can be received from.

Art Unit: 3624

Group VII. Claims 43-47 are drawn to a method (or a computer readable medium to perform the method) comprising steps of a merchant creating a particular user and verifying the authenticity of the payment account.

3. Inventions I-VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

Inventions of Groups I-VII are distinct from each other because:

Inventions I and II-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group I have separate utility such as allowing a purchase at an on-line merchant based upon comparison of restrictions associated with a payment account to an identity of the on-line merchant. See MPEP §806.05(d)

Inventions II and I, III-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group II has separate utility such as restricting the transfer of funds from one of the plurality of payment accounts included in an electronic wallet using an account monitor coupled to the account monitor. See MPEP §806.05(d)

Inventions III and I-II, IV-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group III has separate utility such as having an

Art Unit: 3624

electronic wallet having a plurality of payment accounts disposed in a wallet server and having a computing device coupled to the wallet server restrict how funds can be transferred from one or more payment accounts.

Inventions IV and I-III, V-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group IV has separate utility such as restricting transfer of funds from a payment account corresponding to a particular user.

Inventions V and I-IV, VI-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group V has separate utility such as restricting where the funds in account maintained in an electronic wallet particular user can be spent.

Inventions VI and I-V, VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group VI have separate utility such as restricting where the funds to be added to a payment account in an electronic wallet can be received from.

Inventions VII and I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions of group VII has separate utility such as a merchant creating a payment account for a particular user and verifying the authenticity of the payment account.

4. Because these inventions are distinct for the reasons given above and the search required for each of Groups I-VII is not required for other groups, restriction for examination purposes as indicated is proper.

Art Unit: 3624

5. Applicant is advised that the reply to this requirement to be complete must include an election of the examined even though the requirement be traversed (37 CFR 1.143).

6. SPECIES

In the event of election of the groups I-VI the applicant is further required to elect among the following species in the elected group as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: species of payment account (elect one)

Claims 2, 3, 4, 5, 6, 7

species of one or more on-line merchants(elect one)

Claims 8, 9

Group II: species of restricting transfer of funds(elect one)

Claims 12, 13

Group III: species of computing device (elect one)

Claim 18, 19

Group IV: species of account interface(elect one)

Claims 22, 23

Species of restricting (elect one)

Claims 24, 25

Group V: Species of restricting (elect one)

Claims 27, 28

Group VI: species of payment account (elect one)

Art Unit: 3624

Claims 38, 39

7. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species in the elected group for prosecution on merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently the independent claims in the respective group are generic.

8. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is nonresponsive unless accompanied by an election.

9. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 3624

10. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17

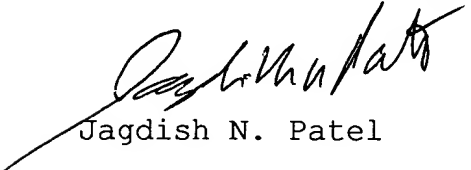
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**



Art Unit: 3624

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/5/04